

ENTERED

January 28, 2020

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

ISREAL ORTIZ,

Plaintiff,

VS.

SGT. GUZMAN, *et al*,

Defendants.

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CIVIL NO. 2:19-CV-30

ORDER

The Court is in receipt of the Magistrate Judge's June 17, 2019 Memorandum and Recommendation to Dismiss Certain Claims and to Retain Case ("M&R"). Dkt No. 13. No objections were filed in response to the M&R. *See* 28 U.S.C. § 636(b)(1) (setting a 14-day deadline to file objections; Fed. R. Civ. P. 72(b)(2) (same); *see also* Dkt. No. 13 at 19 (advising parties of the 14-day deadline). After independently reviewing the record and considering the applicable law, the Court **ADOPTS** the proposed M&R in its entirety. Dkt. No. 13. The Court hereby:

- **RETAINS** Plaintiff's retaliation claims against Sgt. Guzman regarding alleged actions taken after a grievance filed in March, 2017
- **DISMISSES** Plaintiff's claims against Defendants in their official capacities as barred by the Eleventh Amendment
- **DISMISSES** Plaintiff's remaining claims with prejudice against all other Defendants for failure to state a claim upon which relief can be granted or frivolousness.

SIGNED this 28th day of January, 2020.



Hilda Tagle
Senior United States District Judge